

3. Employees should limit the use of handheld phones or devices while operating a GOV and adhere to any individual state laws, including those that prohibit their use unless such use is hands-free. Employees must not text while operating any vehicle. If the vehicle operator is ticketed or involved in an accident due to the use of a hand-held device, the operator will be fully responsible for any legal action that may result.

See Executive Order 13513, Section 3 (c) for specific exceptions pertaining to employees, devices, or vehicles that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency situations.

4. Home to Work (HTW) Geographical Limitation: Use of a GOV for HTW transportation purposes beyond a 50-mile radius from an OCEFT employee's home to their duty station is not authorized. To comply with this policy, OCEFT employees may utilize their GOVs to travel to and park at a secure location reasonably located within the authorized radius, such as another federal, state, or local government facility. An employee wishing to utilize this option must independently make such arrangements and obtain in advance the written permission of his/her immediate supervisor. EPA will not pay for any fees associated with such parking. Employees in the 1811 or 1801 series must secure any law enforcement equipment. Authorization to use a GOV for HTW transportation beyond the 50-mile limitation must be provided by the OCEFT Director in writing, in advance of such use. Any employee wishing to seek special authorization to use a GOV for HTW transportation beyond 50 miles must submit through his/her chain of command a justification in writing to the OCEFT Director, stating the particular circumstances that support a deviation from the presumption.

5. Employees must comply with the applicable HTW Authorization

For employees conducting criminal investigations or protective service duties, see Administrator Gina McCarthy's Memorandum signed January 23, 2015. To comply with that authorization, employees must use the OCEFT Monthly Mileage and Expense Log as indicated in Section 3.4 Guidance.

For employees conducting field work, see Administrator Gina McCarthy Memorandum and attachments signed April 29, 2015.

3.2.4. Emergency Driving of GOVs

Emergency driving is defined as operating a government vehicle in a manner wherein the operator disregards the posted legal speed limits or other traffic laws for the purpose of following a vehicle to apprehend a suspect, to conduct surveillance, and/or to respond to an exigent circumstance. Emergency driving may be overt or covert and may entail the activation of a signaling or warning device that serves to identify a government vehicle as an official law enforcement vehicle.

Only GS-1811 Special Agents and specifically designated Field Operations Program (FOP) and Protective Service Detail (PSD) 1801s are authorized to engage in emergency driving and only under those circumstances where the seriousness of the emergency outweighs the risks and dangers created by such driving. Examples of such circumstances would be to respond to the threat of death or serious bodily injury to a fellow law enforcement officer or other persons, to respond to the scene of an emergency, or to transport a seriously injured person to a medical facility. Emergency driving is prohibited under those circumstances where such driving would

unnecessarily endanger the safety of the public, and is not authorized for routine or non-emergency purposes.

- **Use of Authorized Emergency Equipment.** A government vehicle may be equipped with an emergency light to identify the vehicle as an official law enforcement vehicle and may also be equipped with a siren or other signaling device. **The use of personally owned or purchased equipment is specifically prohibited.** Special Agents and designated 1801s may activate authorized emergency equipment to facilitate emergency driving and their movement through traffic during the emergency. The Special Agent/1801s may not engage in either emergency driving or the use of any signaling or warning to identify a government vehicle as a law enforcement vehicle solely to facilitate movement through traffic congestion. Such use is only allowed to ensure the safety of the protectee or in response to an emergency involving the threat of death or serious bodily harm.
- **Authorization for Pursuits.** A pursuit is a type of emergency driving wherein a Special Agent disregards the posted legal speed limits or other traffic laws while signaling or warning devices are activated, for the sole purpose of following a vehicle to apprehend a suspect. Due to the significant risks to the public, the Special Agent, fellow law enforcement officers, and the suspect, **pursuits are discouraged** and should be initiated only under those circumstances when the risk of a suspect's escape would pose a risk to the safety and welfare of the public or law enforcement personnel. Because of the risks associated with pursuits, they may be initiated only when **all** of the following conditions are met:
 - **Demonstrated Risk to Public.** The fleeing suspect has demonstrated the actual capability to harm law enforcement or the public through observed behavior (e.g., pointing or firing a weapon). You must notify the appropriate tribal, state or local law enforcement agency of the incident as soon as practical.
 - **Disregard for Traffic Laws While Fleeing.** The fleeing suspect has disobeyed traffic laws in a reckless manner, thereby endangering the public and law enforcement. In this case, you must notify the appropriate tribal, state or local law enforcement agency of the incident as soon as practical.
 - **Availability of Emergency Equipment.** The government vehicle that will be used by the Special Agent to engage in the pursuit has, at a minimum, been equipped with emergency lights (blue and/or red in color consistent with applicable state laws) and siren.
 - **Capacity for Communication.** The Special Agent must have the capability to engage in real-time two-way communication with other law enforcement personnel.
 - **Evaluation of Risk.** The Special Agent has made the considered decision that the fleeing suspect has demonstrated a significant danger to the safety and welfare of the public or law enforcement officers and the need to eliminate that danger outweighs the potential risks to him or her, fellow law enforcement officers, and/or the public.
- **Factors for Consideration.** Special Agents should consider the following factors before engaging in emergency driving – including pursuits or any other driving maneuver – that may place themselves, fellow law enforcement officers, the public, or suspects at risk of injury or death:

- Nature of the emergency, for example, a suspect fleeing a violent crime or felony
 - Location, weather, traffic speed, and road conditions
 - Time of day
 - Presence of pedestrians
 - Driving ability
 - Condition of equipment in the government vehicle
 - Condition of the suspect's vehicle
 - Imminent danger to public safety in the event of escape
 - Seriousness of the offense
 - Identity of the suspect
 - Probability of apprehending suspect at a later time
 - Availability of assistance from a uniformed police officer
 - Officer
 - Possible alternative courses of action
- **Requirement to Demonstrate Responsibility.** Due to the risks associated with emergency driving, including pursuits, Special Agents must demonstrate responsibility and good judgment when doing so. As such, Special Agents must adhere to the following requirements.
 - **Safety Considerations.** When engaged in emergency driving, Special Agents must operate their GOVs with the utmost regard for the safety of the public and fellow law enforcement officers, including:
 - Using caution before entering any intersection, even those displaying a green light.
 - Proceeding through a red traffic light, stop sign, or other traffic control device only if they stop before proceeding in order to ensure the safety of the public and property.
 - Keeping in mind that traffic regulations requiring other vehicles to yield the right of way to an emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of the public, nor will the existence of an emergency protect the driver from the consequences of an unjustified exercise of such right of way.
 - Remembering, when operating unmarked vehicles using emergency equipment under emergency conditions, that motorists and pedestrians may not immediately recognize an unmarked vehicle as an emergency vehicle.
 - **Continuous Evaluation.** When engaged in emergency driving – pursuits in particular – Special Agents must continually weigh and evaluate the advantages of their continued participation against all potential hazards. **Emergency driving must be terminated when**

the risk to themselves, fellow law enforcement, or the public outweighs the benefit of continuing a rapid response or endeavoring to make an immediate apprehension.

- **Maneuver Tactics.** Maneuver tactics are defined as a Special Agent's deliberate use of a GOV to create a physical barrier or make physical contact with a fleeing suspect's vehicle to slow, stop, or disable the vehicle. Maneuver tactics of this nature constitute the use of deadly force and are strictly prohibited, except that an agent is authorized to use a GOV to create a physical barrier when the suspect's vehicle is stopped or traveling at a low rate of speed, to facilitate officer safety, apprehension of the suspect, and safety of the public.
- **Liability.** Special Agents must remain mindful that courts generally do not condone emergency driving in a manner that needlessly or carelessly endangers life or property or that demonstrates a total indifference to others who are legitimately using the streets. Further, Special Agents must remember that engaging in emergency driving may expose OCEFT to liability under the Federal Tort Claims Act, and may also expose the Agent to personal liability. As such, a Special Agent should engage in emergency driving only when necessary and engage in a pursuit as a last resort.
- **Guidelines for Training.** Required training courses for Special Agents related to GOV usage include initial training at the Federal Law Enforcement Training Center. Following any annual refresher training session, OCEFT Form 22-01 should be prepared by the designated Area Office training coordinator to document the participation of each Special Agent. Completed checklists should be forwarded to the supervisor for retention with the Special Agent's training records. Annual training, at a minimum, should include review of the following:
 - Individual state requirements for emergency vehicles
 - Circumstances when emergency lights may be used
 - Circumstances when emergency lights and sirens may be used
 - Due care requirement placed on Special Agents
 - Pursuit policy
 - Reporting requirements
 - Proper vehicle maintenance

3.2.5. Official Use of Rental Cars and Privately-Owned Vehicles (POVs)

Neither rental cars nor privately owned vehicles constitute GOVs. Rental cars are not considered GOVs because any lease entered into by an employee with a car rental company does not comply with the regulatory requirements for a government lease (e.g., no contracting officer is involved, and the government does not assume responsibility to make lease payments). Thus, the strict statutory prohibitions that apply to use of leased GOVs do not apply to use of these rented vehicles. For example, while it would be impermissible to use a GOV to take a short trip to visit a friend in the evening after official work hours while on travel, a rental car or POV may be used for such a purpose, as long as any additional cost of such use is not claimed for reimbursement. Although the personal use of a rental vehicle is permissible, employees should be aware that such a trip may